

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

- vs -

DYLAN JERMAINE SNOWDEN,

Defendant.

Case No. 3:20-cr-066

Civil Case No. 3:23-cv-00154

:

District Judge Michael J. Newman

Magistrate Judge Michael R. Merz

:

ORDER: (1) ADOPTING REPORT AND RECOMMENDATION (ECF No. 49); (2) DENYING WITH PREJUDICE DEFENDANT'S MOTION TO VACATE (ECF No. 35); (3) DENYING A CERTIFICATE OF APPEALABILITY; (4) CERTIFYING TO THE UNITED STATES COURT OF APPEALS THAT AN APPEAL WOULD BE OBJECTIVELY FRIVOLOUS AND THEREFORE DEFENDANT SHOULD NOT BE PERMITTED TO PROCEED IN FORMA PAUPERIS; AND (5) TERMINATING THE CASE ON THE DOCKET

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (ECF No. 49) to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting no objections were filed thereafter, and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that Defendant's Motion to Vacate under 28 U.S.C. § 2255 (ECF No. 35) is **DENIED with prejudice**. Defendant is **DENIED** a certificate of appealability, and the Court hereby **CERTIFIES** to the United States Court of Appeals for the Sixth Circuit that an appeal would be objectively frivolous and therefore Defendant should not be permitted to proceed *in forma pauperis*.

Pursuant to Fed. R. Civ. P. 58, the Clerk shall enter judgment to this effect.

IT IS SO ORDERED.

April 16, 2024

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge